

REMARKS

I. STATUS OF THE CLAIMS

Claims 1-18 were pending in the Application. By the present amendment, Claim 2 has been canceled without prejudice of disclaimer of the subject matter therein. Claims 1, 3 and 17 have been amended. No new matter has been added.

In the Office Action, 1, 3, 4, 6-15 were rejected under 35 U.S.C. § 102(b) (hereinafter, "Section 102(b)") as being anticipated by JP No. 03-153523 to Wakasa et al (hereinafter, "Wakasa").

Claims 2, 5 and 16 were rejected under 35 U.S.C. § 103(a) (hereinafter, "Section 103(a)") as being unpatentable over Wakasa, in view of Chapman et al. (U.S. Pat. No. 4,869,054, hereinafter, "Chapman").

Claims 17 and 18 were rejected under Section 103(a) as being unpatentable over Wakasa, in view of Saegusa (U.S. Pat. No. 4,882,133, hereinafter, "Saegusa").

Applicant respectfully traverses all rejections and requests reconsideration.

II. REJECTION UNDER SECTION 102(b), WAKASA

Claims 1, 3, 4, and 6-15 are rejected under Section 102(b). Applicant respectfully traverses the Examiner's contention that Wakasa anticipates claims 1, 3, 4 and 6-15 for the reasons state below:

Applicant's claim 1 has been amended and not ALL of the elements of amended claim 1 are taught in Wakasa. Claim 1 has been amended to recite "a peak fine pore diameter of 2 to 20 nm, and an oil absorption of 120ml/100g or more." Support for these amendments can be found in the specification on page 11, lines 2-4 and page 19, lines 8-9.

Wakasa does not disclose the claimed elements of “A porous metal oxide material in a flake form having ... a peak fine pore diameter of 2 to 20 nm, and an oil absorption of 120ml/100g or more.” (emphasis added). There is no support provided in Wakasa for these limitations and as affirmed by Examiner on page 3 of the Office Action, Wakasa is silent about the size of the pore as claimed. Neither is the oil absorption limitation found in Wakasa. As such, Wakasa fails to teach all the required elements of amended claim 1 and is therefore not anticipated by Wakasa.

Dependent claims 3, 4 and 6-15 include all limitations of their respective base claim 1. Accordingly, Applicant respectfully submits that claims 3, 4 and 6-15 are all allowable for at least the same reasons as base claim 1.

Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1, 3, 4 and 6-15 under Section 102(b).

III. REJECTIONS UNDER SECTION 103(a)

Wakasa in view of Chapman

Claims 2, 5 and 16 were rejected under Section 103(a) as being unpatentable over Wakasa in view of Chapman. The elements of claim 2 have been incorporated into amended claim 1. As such Claim 2 has been canceled.

Dependent claims 5 and 16 include all the limitations of their respective base claim 1. Accordingly, Applicant respectfully submits that claims 5 and 16 are allowable for at least the same reasons described above for base claim 1, as not all the elements of these claims are taught by the cited references as required to establish a prima facie case of obviousness.

Amended claim 1 requires a “porous metal oxide material in **flake form** having... a peak fine pore diameter of 2 to 20 nm, and an oil absorption of 120ml/100g or more.” (emphasis added). It has been established that Wakasa does not teach this required element. However, Chapman further does not teach or suggest this element. Rather, Chapman teaches a pore size of porous metal oxide particles of less than 600 angstrom and does NOT teach the claimed pore diameter of a porous metal oxide in flake form. There is a structural difference in such teachings in that Chapman does not disclose the size of the flake form of the material but is describing the size of the particles of the material, It is an object of Applicant’s present invention to provide a porous metal oxide material in a flake form which can exhibit various functions inherent in a porous material but to also overcome the problems in using porous materials. (Application, page 4, lines 1-5). Furthermore, neither Wakasa nor Chapman teach “an oil absorption of 120ml/100g or more”. Both Wakasa and Chapman fail to teach each and every element of amended claim 1 as required to establish a prima facie case of obviousness. As such, Applicant respectfully submits that claims 5 and 16 are allowable for at least the same reasons as amended claim 1, as discussed above.

Accordingly, Applicant requests withdrawal of the rejection of claims 5 and 16 under Section 103(a).

Wakasa in view of Saegusa

Claims 17 and 18 were rejected under Section 103(a) as being unpatentable over Wakasa in view of Saegusa.

Dependent claims 17 and 18 include all the limitations of their respective base claim 1. Accordingly, Applicant respectfully submits that claims 17 and 18 are allowable for at least

the same reasons described above for base claim 1, as not all the elements of these claims are taught by the references cited as required to establish a prima facie case of obviousness.

Similarly, as discussed above in regards to amended claim 1, Wakasa does not include all of the claim limitations of a “porous metal oxide material in flake form having... a peak fine pore diameter of 2 to 20 nm, and an oil absorption of 120ml/100g or more.” Saegusa further fails to provide the deficiencies of Wakasa. As such, Applicant respectfully submits that claims 17 -18 are allowable for at least the same reasons as amended claim 1.

Accordingly, Applicant respectfully requests withdrawal of the rejections of Claims 17 and 18 under Section 103(a).

IV. CONCLUSION

The above-discussed amendments and remarks are believed to place the present Application in condition for allowance. Should the Examiner have any questions regarding the above amendments, the Examiner is requested to telephone Applicant’s representative at the number listed below.

Respectfully submitted,

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